

REMARKS

In accordance with the foregoing, claims 14 and 18 have been amended, and claims 1-5, 7-13, 17, and 22 have been canceled without prejudice or disclaimer. Claims 14-16, 18, 19, and 21 are pending, with claim 14 being independent. Claims 14-16, 18, 19, and 21 are under consideration as being directed to elected Invention III. Canceled claims 1-5 and 7 were withdrawn from consideration as being directed to non-elected Invention I. Canceled claims 8-13 were withdrawn from consideration as being directed to non-elected Invention II. No new matter is presented in this Amendment.

Error in Office Action

On page 5 of the Office Action of July 3, 2008, the Examiner states as follows:

Applicant's arguments filed 2/14/2008 have been fully considered but they are not persuasive.

However, the Office Action of July 3, 2008, was issued in response to the Amendment of June 6, 2008. Accordingly, it is presumed that the Examiner intended to say that the applicant's arguments filed June 6, 2008, have been fully considered but they are not persuasive.

Allowable Subject Matter

On page 7 of the Office Action of July 3, 2008, the Examiner states as follows:

Claims 17-19 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

However, claims 17-19 were not rejected under 35 USC 112, second paragraph, or on any other grounds in the Office Action of July 3, 2008. Accordingly, it is submitted that the correct status of claims 17-19 at the time the Office Action of July 3, 2008, was issued is that claims 17-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Independent claim 14 has been rewritten to include all of the limitations of allowable dependent claim 17 that depended from claim 14, and claim 17 has been canceled. Thus, independent claim 14 as amended in this Amendment corresponds to allowable claim 17 rewritten in independent form including all of the limitations of the base claim and any intervening claims as suggested by the Examiner. Accordingly, it is submitted that claim 14 is now allowable. Allowable dependent claim 18 that depended from canceled allowable claim 17 has been amended to depend from allowable claim 14. Allowable claim 19 continues to depend from allowable claim 18.

For at least the foregoing reasons, it is submitted that allowable claims 14, 18, and 19 and claims 15, 16, and 21 depending from allowable claim 14 (i.e., all of the pending claims) are now in condition for allowance, and an indication to that effect is respectfully requested.

Claim Rejections Under 35 USC 112

Claim 22 has been rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement because the Examiner is of the opinion that claim 22 contains subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention.

Although the applicant does not agree with the Examiner's position for at least the reasons discussed on pages 9-11 of the Amendment of June 6, 2008, solely in an effort to eliminate this issue and advance the prosecution of the application, claim 22 has been canceled, thereby rendering this rejection moot.

Claim Rejections Under 35 USC 103

Rejection 1

Claims 14-16 and 21 have been rejected under 35 USC 103(a) as being unpatentable over Utsugi et al. (Utsugi) (U.S. Patent Application Publication No. 2002/0150674) in view of Martin (U.S. Patent No. 4,676,193). This rejection is respectfully traversed.

Although the propriety of this rejection is not conceded, solely in an effort to eliminate this issue and advance the prosecution of the application, independent claim 14 has been amended to include all of the limitations of canceled allowable claim 17 that depended from claim 14. Accordingly, it is submitted that claim 14 and claims 15, 16, and 21 depending therefrom are now allowable.

For at least the foregoing reasons, it is respectfully requested that the rejection of claims 14-16 and 21 under 35 USC 103(a) as being unpatentable over Utsugi in view of Martin be withdrawn.

Rejection 2

Claim 15 has been rejected under 35 USC 103(a) as being unpatentable over Utsugi in view of Martin as applied to claim 14, and further in view of Yamada et al. (Yamada) (U.S. Patent Application Publication No. 2001/0019807). This rejection is respectfully traversed.

Although the propriety of this rejection is not conceded, it is submitted that claim 15 is now allowable since it depends from claim 14, which is now allowable for at least the reasons discussed above.

For at least the foregoing reasons, it is respectfully requested that that the rejection of claim 15 under 35 USC 103(a) as being unpatentable over Utsugi in view of Martin as applied to claim 14, and further in view of Yamada be withdrawn.

Rejection 3

Claim 22 has been rejected under 35 USC 103(a) as being unpatentable over Utsugi in view of Martin as applied to claim 14, and further in view of Fujimori et al. (Fujimori) (U.S. Patent Application Publication No. 2002/0102754).

Although the propriety of the rejection is not conceded, solely in an effort to eliminate this issue and advance the prosecution of the application, claim 22 has been canceled, thereby rendering this rejection moot.

The Application Is Now in Condition for Allowance

Since all of the pending claims (i.e., claims 14-16, 18, 19, and 21) are now allowable for at least the reasons discussed above, it is submitted that the application is now in condition for allowance, and an indication to that effect is respectfully requested.

Conclusion

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.


Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with the filing of this paper, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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